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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/148,533 09/04/98 LESTER

L 98P7649US

EXAMINER

WM02/1004

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
ISELIN NJ 08830

HAROLD, J.
ART UNIT PAPER

2644 2

DATE MAILED: 10/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Regards,
JFHarold
(703)823-8839

SM

Office Action Summary

Application No.

09/148,533

Applicant(s)

LESTER ET AL.

Examiner

Jefferey F. Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claim 16** recites the limitation "said device" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claims 1, 4, 7 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (United States Patent 5,882,406).

Regarding **claim 1**, Brown discloses a switching circuit for automatically routing audio and data signals between a modem, telephone, and I/O devices. In addition, Brown discloses a switching circuit, which reads on claimed "apparatus", for connecting a microphone (105), alternatively to a telephone line (228, 229) and modem (102), which reads on claimed "alternative device", as disclosed at column 3 line 48 through column 4, line 64 and exhibited in figures 1A, 1B and 2, the switching circuit comprising:

a switching and line interface circuitry (111) for connecting the modem (102), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) for connecting the telephone line (228, 229), as disclosed at column 4, lines 21-64 and exhibited in figures 1B and 2;

a switching and line interface circuitry (111) for connecting the microphone (105), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) connected to the modem, telephone, and microphone, the switching circuit connecting the telephone to the computer/microphone (105) in response to sensing a logic low signal that correlates to local phone off-hook detect, which reads on claimed "sensing a voltage", and the switching and line interface circuitry (111) connects the microphone to the modem, when configured by the computer, when the off-hook signal is not sensed, as disclosed at column 3, line 48 through column 4, line 64 and exhibited in figures 1B and 2.

Regarding **claim 4**, Brown discloses a switching circuit, which reads on claimed "apparatus", for connecting a headset (104), alternatively to a telephone line (228, 229) and modem (102), which reads on claimed "alternative device", as disclosed at column 3 line 48 through column 4, line 64 and exhibited in figures 1A, 1B and 2, the switching circuit comprising:

a switching and line interface circuitry (111) for connecting the modem (102), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) for connecting the telephone line (228, 229), as disclosed at column 4, lines 21-64 and exhibited in figures 1B and 2;

a switching and line interface circuitry (111) for connecting the headset (104), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) connected to the modem, telephone, and microphone, the switching circuit connecting the telephone to the computer/headset (104) in response to sensing a logic low signal that correlates to local phone off-hook detect, which reads on claimed "sensing a voltage", and the switching and line interface circuitry (111) connects the microphone to the modem, when configured by the computer, when the off-hook signal is not sensed, as disclosed at column 3, line 48 through column 4, line 64 and exhibited in figures 1B and 2.

Regarding **claims 7 and 10**, they are interpreted and thus rejected for the same reasons set forth above in **claims 1 and 4**. Since **claims 7 and 10** disclose a method that corresponds to the apparatus of **claims 1 and 4**, the method is inherent in that it simply provides functionality for the structural implementation found in **claims 1 and 4**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. ***Claims 2, 5, 8, 11, 13 and 15*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Walsh et al. (United States Patent 5,655,014), hereinafter referenced as Walsh.

Regarding **claim 2**, Brown discloses everything claimed as applied above (see claim 1), however, Brown, fails to disclose wherein the switching circuit is included in a computer telephone integration (CTI) module. However, the examiner maintains that it was well known in the art to provide wherein the switching circuit is included in a computer telephone integration (CTI) module, as taught by Walsh.

In a similar field of endeavor Walsh discloses a switching device independent computer-telephone integration system. In addition, Walsh discloses a computer-telephone integration system (13) that includes a switching device comprising a switching interface (14), as disclosed at column 4, lines 53-59 and exhibited in figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown by specifically providing wherein the switching circuit is included in a computer telephone integration (CTI) module, as taught by Walsh, for the purpose of extracting call information from an incoming call received and forwarding call information to the computer.

Regarding **claim 5**, Brown discloses everything claimed as applied above (see claim 4), in addition, **claim 5** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

Regarding **claim 8**, Brown discloses everything claimed as applied above (see claim 7), in addition, **claim 8** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

Regarding **claim 11**, Brown discloses everything claimed as applied above (see claim 10), in addition, **claim 11** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

Regarding **claim 13**, Brown discloses everything claimed as applied above (see claim 12), in addition, **claim 13** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

Regarding **claim 15**, Brown discloses everything claimed as applied above (see claim 14), in addition, **claim 15** is interpreted and thus rejected for the same reasons set forth above in the rejection of **claim 2**.

4. **Claims 3, 6, 9, 12 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of well know prior art (MPEP 2144.03).

Regarding **claims 3, 6 and 9** Brown disclose everything claimed, as applied above, (see claims 1, 4 and 7 respectively), however, Brown fails to disclose wherein the device is a personal computer. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the device is a personal computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown by specifically providing wherein the device is a personal computer, for the purpose of sending data to a computer.

Regarding **claim 14**, Brown discloses a switching and line interface circuitry, which reads on claimed "apparatus", for switching between a modem and the various communication devices (110), which include local phone, that is connected to the

computer system, and as disclosed at column 4, lines 22-26 and exhibited in figure 1B, comprising:

a switching and line interface circuitry (111), which reads on claimed "device connector" for connecting, as disclosed at column 4, lines 27-31 and exhibited in figure 1B;

a switching and line interface circuitry (111), which reads on claimed "telephone connector", for connecting the telephone line (228, 229), as disclosed at column 4, lines 21-64 and exhibited in figures 1B and 2;

a switching and line interface circuitry (111), which reads on claimed "microphone connector", for connecting the microphone (105), as disclosed at column 4, lines 21-40 and exhibited in figure 1B;

a switching and line interface circuitry (111) for connecting the device, telephone and microphone connectors, and switching circuit for connecting the telephone connector to the microphone connector and the switching circuit connecting the microphone connector to the device connector, as disclosed at column 4, lines 21-40 and exhibited in figures 1B and 2;

However, Brown fails to disclose a personal computer and voice command. However, the examiner takes official notice of the fact that it was well known in the art to provide a personal computer and voice commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown, by specifically providing a personal

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computer and voice commands, for the purpose of communicating data digitally and providing various actuation commands.

Regarding **claim 12**, it is interpreted and thus rejected for the same reasons set forth above in **claim 14**. Since **claim 12** discloses a method that corresponds to the apparatus of **claim 14**, the method is inherent in that it simply provides functionality for the structural implementation found in **claim 14**.

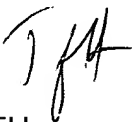
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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


JFH
October 1, 2001


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700